IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

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WRIT PETITION NO : 2085 of 2004

Between:

The Indian Federation of Port and Dock Workers and

Visakhapatnam Port Trust Association, rep. by its General Secretary K.Prabhakar Rao, S/o.K.Samba Murthy, Retired

Employee in Visakhapatnam Port Trust, Visakhapatnam.

..... PETITIONER

AND

1 Ministry of Surface Transport, rep. by its Secretary to

Government of India, Ministry of Surface Transport, Labour Division, New Delhi.
2 Chairman, Visakhapatnam Port Trust, Visakhapatanam.
3 Deputy Chairman, Visakhapatnam Dock Labour Board,

Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly a Writ in the nature of Mandamus declaring the action of the 1st respondent herein as per the All India Consumer Price Index, from 607 points to 1708 points were converted into percentage, but the said system is not continuing the employees who were retired after 1.1.1997 is loosing their monitoring loss is illegal, and arbitrary.

Counsel for the Petitioner: SMT. AKELLA PADMA

Counsel for Respondent No.1: MR. A.RAJASHEKAR REDDY (STANDING COUNSEL FOR CENTRAL GOVERNMENT)

Counsel for Respondents 2 & 3: MR. P.SRI RAGHU RAM (STANDING

COUNSEL FOR PORT TRUST)

The Court made the following ORDER:

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Heard the learned Counsel appearing for both parties.

2. This writ petition is filed by the General Secretary, The Indian Federation of Port and Dock Workers and Visakhapatnam Port Trust Association, Visakhapatnam, seeking to declare the action of the first respondent-Secretary to Government of India, Ministry of Surface Transport, Labour Division, New Delhi, as per the All India Consumer Price Index, from 607 points to 1708 points were converted into percentage, but the said system is not continuing the employees who were retired after 1-1-1997 are loosing their monitory loss, is illegal and arbitrary.

3. It is submitted by the learned Counsel appearing for the petitioner-Association that the petitioner-Association made representations dated 18-12-2001 and 19-7-2002, letter dated
30-12-2003 followed by the fax message dated 23-1-2004 before the first respondent, for rectification of the dropping pension of the employees who retired after 1-1-1998, but the first respondent has not disposed of the said representations.

4. Having regard to the facts and circumstances of the case and without going into the merits of the case, I am of the opinion that it is just and proper to direct the first respondent to dispose of the said representations of the petitioner-Association.

5. Accordingly, the first respondent is directed to consider and dispose of the said representations of the petitioner-Association within a period of 8 (EIGHT) weeks from the date of receipt of a copy of this order, in accordance with law.

6. The writ petition is accordingly disposed of. No order as to costs.

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(V.ESWARAIAH, J)

Dated: 14th October, 2004.

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ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Secretary to Government of India, Ministry of Surface Transport, Labour Division, New Delhi.

2. The Chairman, Visakhapatnam Port Trust, Visakhapatnam.

3. The Deputy Chairman, Visakhapatnam Dock Labour Board, Visakhapatnam.

4. Two CD copies.